

Manual of European Environmental Policy

The following pages are a section from the Manual of European Environmental Policy written by the Institute for European Environmental Policy.

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This section is the text of the Manual as published in 2012. It is therefore important to note the following:

- The contents have not been updated since 2012 and no guarantee is given of the accuracy of the contents given potential subsequent developments.
- The sections include links to external websites (e.g. to legal texts). These links continue to work as long as those links are not broken by those websites.
- The sections also include the original links that enabled interactivity within the published on-line version of the Manual. These links no longer work.

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Networking to support implementation

Introduction

The enforcement of European Union (EU) environmental law is a challenge for the Member States and for the competent authorities that have been delegated the responsibility for ensuring that aspects of implementation are delivered on the ground. Enforcement bodies in the Member States have recognized that they share similar problems to their counterpart authorities in other Member States, such as interpreting EU law as well as practical questions of best practice for enforcement, etc. As a result, networks of enforcement authorities have been established which address different parts of EU environmental law. Indeed there are similar networks addressing other EU law. This section of the Manual provides an overview of a number of such networks which are increasingly important in seeking common interpretation of EU law across the Member States and in seeking to influence its development. Those included here are the following:

- The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL).
- The Chemicals Legislation Enforcement Network (CLEEN).
- The European Environment and Sustainable Development Advisory Councils (EEAC).
- The European Enforcement Project (EEP).
- The European Network of Heads of Nature Conservation Agencies (ENCAnet).
- The European Network of Heads of Environment Protection Agencies (NHEEPA).

It is important to note that other forms of ‘networking’ of Member State authorities occur, such as through regulatory committees established under individual items of EU law or through the work of EU Agencies. However, the networks addressed here are those that have been created through the recognition of a mutual need by the members themselves.

Fundamentally, a network should bring together the relevant authorities in a situation which can help to enhance their particular functions and allow them to collaborate and provide consistent messages to others. Networks include a range of activities and objectives including sharing, influencing and working together. Some examples of these activities are given below.

Sharing:

- Sharing best practice in the Member States – allowing authorities to learn from each other.
- Providing a forum for sharing information – through meetings, workshops, websites, etc.
- Establishing databases for the provision of information generated to be shared across all Member States.
- Undertaking joint studies to examine implementation issues of law – for example, jointly examining the interpretation of EU legislation and implementation issues.

Influencing:

- Working with, or otherwise influencing, the EU institutions with regard to enforcement issues in EU law.
- Providing ingredients for policy making complementary to those generated by the European institutions, such as insights into future priorities, detailed analysis of the workings of current policy, the identification of gaps in the current array of measures.
- Building coalitions (to create political impetus which may not be achievable by individual players or national networks).

Working together:

- Undertaking joint inspections – such as through officials from a group of Member States visiting one Member State to share experience.
- Undertaking reviews of the activities and institutions in individual Member States, making recommendations for improvements.
- Providing information to European and perhaps national policy makers, stakeholders and their own membership.

European Union Network for the Implementation and Enforcement of Environmental Law

Website: <http://impel.eu/>

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of EU Member States, acceding and Candidate Countries of the EU and EEA countries.

IMPEL developed from a number of activities that took place at international and Member State level during the late 1980s and early 1990s. The network can trace its origin to a UNEP meeting in Paris in 1989¹ held to address the nature of integrated assessments to pollution regulation and, eventually, resulted in the Community adopting the Integrated Pollution Prevention and Control Directive [96/61/EC](#). The issue of networking was then discussed at an informal meeting of the EU's Environment Council in 1991 resulting in the United Kingdom hosting the first meeting of the network in Chester in 1992. During 1993 the 'Chester Network' revised its terms of reference. These aligned the work of the network with the European Community's Fifth Environmental Action Programme (5EAP) and widened its mandate covering issues relating to the Regulation of environmental legislation with a focus on EU law, but also of that of the Member States. The network subsequently evolved, developing a cluster approach to its working methods (see below). In 2005 the European Commission undertook a review of IMPEL. This has helped the network to address its working methods and its basic foundation. Therefore, in 2009 IMPEL changed from an informal network to a formal legal association. The core objectives of IMPEL are to:

- Promote the exchange of information and experience between national, regional or local authorities competent for the implementation and enforcement of EC environmental law in the broadest sense.
- Promote the development of national networks of environmental authorities.

- Promote mutual understanding of the common characteristics and differences of national regulatory systems.
- Carry out joint enforcement projects.
- Support, encourage and facilitate capacity building and training of inspectors and enforcers.
- Identify and develop good and best practices, produce guidance, tools and common standards and actively contribute to further improvements as regards inspection, permitting, monitoring, reporting and enforcement of EC environmental law.
- Develop a greater consistency of approach, as appropriate, in the interpretation, implementation and enforcement of EC environmental law in the countries applying this law.
- Provide feedback on better legislation issues with regard to practicability and enforceability and provide advice on the practicability and enforceability of new and existing EU environmental law to the European Commission and other EU Institutions, gathering information on experience of implementing and enforcing this law, from the practitioners' point of view.
- Explore the use of innovative regulatory and non-regulatory instruments as alternatives for or complementary to existing regulations.

IMPEL is focused on a range of EU environmental law. Although, this does tend to include all of the environmental acquis – it does not tend to address, in detail, nature protection or chemicals legislation, although the interactions of this legislation with the laws IMPEL does focus on is considered. IMPEL focuses its work around the Recommendation on minimum criteria for environmental inspections, although this is expressed through more detailed legislation, such as on waste, IPPC, etc. One cluster focuses specifically on the Regulation (EC) No 1013/2006 on transfrontier [shipment of waste](#).

The core of IMPEL's activities concerns the training of inspectors, minimum criteria for environmental inspections, exchange of information and experience on implementation and enforcement of existing EU environmental legislation, development of common views on the coherence and practicality of current EU legislation and commenting on issues of practicality and enforceability in the development of new EU legislation. The framework for IMPEL projects and activities is its Multi Annual Work Programme (MAWP) (currently 2007–2010). The Programme's aims and objectives have been extended to the end of 2011. Much of the work of IMPEL is programmed through three 'clusters'. These are an informal forum for initial discussions of new project ideas and follow-up of projects in specific fields of IMPEL activities. They also have a role in reviewing the projects falling under them. These are:

- Cluster 1: Improving permitting, inspection and enforcement.
- Cluster 2: on Transfrontier Shipment of Waste.
- Cluster 3: Better Regulation (practicability and enforceability).

Chemicals Legislation Enforcement Network

Website: <http://www.cleen-europe.eu/>

The Chemicals Legislation Enforcement Network (CLEEN) aims to coordinate and improve the enforcement of EU chemicals legislation. It describes itself as ‘basically a forum for information exchange’ and ‘sets, in collaboration with the Member States, priorities for enforcement projects in the EU’. At the beginning of the 1990s, the competent authorities for chemicals legislation raised the question of how to check the provisions for new chemicals introduced in the 7th amendment of Directive [67/548/EEC](#). This resulted in the development of an inspection manual and three enforcement inspection projects. Following this the representatives of the competent authorities agreed upon the need for a network, which was established at a Conference in Athens in 2000.

CLEEN addresses a wide range of EU chemicals legislation. Its stated aims are:

- Coordination and exchange of experience.
- Developing common enforcement tools.
- Improve awareness and understanding of the relevant legislation in all Member States.
- Recommendations for the European Commission.
- Improved cooperation with Candidate Countries and Countries outside the EU.

CLEEN contributes to the development of EU law. For example, at the 2002 Conference, CLEEN responded to the Chemicals White Paper. Experts from five Member States investigated parts of the chemicals legislation under consideration with regard to the impacts on enforcement from the chemical inspectors' point of view and referencing results of the former common inspection projects. At the Network Conference in 2006, participants discussed the draft text of the proposed REACH Regulation particularly in relation to its enforceability, with resulting recommendations submitted by the CLEEN Secretariat to the European Council, the European Parliament, the European Commission and the Member States.

Much of the work of the network is through projects, consisting of sub-groups of members. Projects undertake different types of activity, such as examining practical implementation issues in the Member States, development of manuals and responding to EU legal developments, for example the working group for Practical Experience from Enforcement of Chemical Legislation.

European Environment and Sustainable Development Advisory Councils

Website: <http://www.eeac.eu/>

The European Environment and Sustainable Development Advisory Councils (EEAC) is a network which facilitates collaboration between individual Advisory Councils that have been established by Member States governments to provide independent, scientifically based advice on the environment and sustainable development. Members ‘represent a range of disciplines and expertise from outside the government, often from or including civil society

organizations or stakeholders'. The EEAC began in 1993 and has now grown to more than 30 Councils from 16 European countries. The overarching principle on which the EEAC is based on is 'the common understanding that present trends in production, consumption, trade, and economic development as a whole are rooted in unsustainable uses of natural resources'. The four main stated objectives of the EEAC are to:

- Enrich the advice the individual Councils give to their national and regional governments.
- Provide an operational framework for joint activities.
- Profit from the experiences and work of Councils in other countries.
- Better anticipate forthcoming strategic issues at European level, and, where appropriate, to exert an influence on policy developments at EU level by acting cooperatively.

EEAC activities include:

- Thematic working groups in six subject areas: sustainable development strategies; environmental governance; energy policy; agricultural policy, land use and rural development; biodiversity; and coastal zones and the marine environment. Working groups provide a forum for policy debates, resulting in the development of EEAC statements which contain recommendations or advice, subject to the approval of a clear majority of EEAC Councils.
- Annual conferences hosted by EEAC members and based on a thematic statement prepared by one of the working groups.
- Workshops and seminars on subjects of particular interest to members. Sometimes linked to the publication of commissioned EEAC studies.

The European Enforcement Project

Website: <http://www.eep-network.org/>.

The European Enforcement Project (EEP) is a European network for inspectorates to exchange experiences and establish methodologies for the harmonization of approaches to inspection and enforcement of work with GMOs, specifically:

- Directive 2001/18/EC on the deliberate release into the environment of [genetically modified organisms](#).
- Council Directive 90/219/EEC of 23 April 1990 on the contained use of [genetically modified microorganisms](#).
- Council Directive 98/81/EC of 26 October 1998 amending Directive 90/219/EEC on the contained use of [genetically modified microorganisms](#).

The EEP was founded in 1997, based on a Dutch initiative on contained use and the project was initially financed by the European Commission. In 1999 Germany sought to build up a parallel network dealing with all aspects relevant for inspectors responsible for the deliberate release of GMOs (Directive 90/220/EEC). This initiative was supported by the European Commission and the State Ministry for the Environment, Nature and Forestry of Schleswig-Holstein. In the following years the two groups were united to form a single network.

The network has inspectors and representatives of competent authorities from 31 countries. The objectives of the network are to be an information platform and discussion forum for emerging problems during the enforcement of the Directives in the fields of contained use, deliberate release of GMOs, but also gene therapy or molecular genetic testing on humans.

Much of the work of the network is undertaken through working groups which address a wide range of issues. An important part of the work of the network is joint inspection (and sampling) visits on contained use. This is important in sharing experience and enhancing capacity.

European Network of Heads of Nature Conservation Agencies

Website: <http://encanet.eu/home/>

The European Network of Heads of Nature Conservation Agencies (ENCAnet) was founded on 6–7 September 2007 at a meeting in Bonn, Germany. The ENCA-Network was established ‘to strengthen nature conservation in Europe’. The ENCA-Network is intended to:

- ‘provide a forum for leadership on critical issues of nature conservation policy and implementation across the policy cycle;
- provide a forum for high level dialogue and exchange of information on matters of mutual concern;
- promote and support bilateral/multilateral cooperation between its members through sharing experiences, approaches, problems and solutions;
- provide support to the network's members through exchange of information, organization of mutual support and the organization of topical cooperation;
- serve as a place for discussion with regard to policy; implementation proposals and/or developments;
- devise and deliver practical solutions to common problems;
- provide a mechanism for communicating the views of the Nature Conservation Agencies or similar bodies to third parties and a wider public;
- work together with the EPA-Network (‘Network of Heads of European Environment Protection Agencies’) or other networks as appropriate’.

The ENCAnet operates through working groups in the six thematic areas (which are taken forward by Working Groups):

- Climate change.
- Renewable energies.
- Monitoring.
- Sustainable land use.
- GMOs.
- Marine biodiversity.

Network of Heads of European Environment Protection Agencies

Website: <http://epanet.ew.eea.europa.eu/>

The European Network of Heads of Environment Protection Agencies (NHEEPA) is an informal grouping of the directors of environment protection agencies and similar bodies across Europe, including the [European Environment Agency](#). NHEEPA was founded in Copenhagen, Denmark in November 2003. The main topics identified as important were: environmental impacts of agriculture; performance evaluation of institutions and organizations; environmental damage and subsidiary. The network currently meets every six months.

NHEEPA has interest groups including biodiversity, natural resources, contaminated sites and soil protection, environment and health, better regulation, international cooperation, quality management and climate change and adaptation.

NHEEPA is intended to complement the IMPEL network (for Implementation and Enforcement of Environmental Law), and has informal links to ENCANet and other institutions such as the European Commission and its Joint Research Centre (JRC), and some EPAs from non-member countries. External representatives are also invited to network meetings. NHEEPA contributes to on-going policy developments at EU level including the EU's better regulation agenda, the Commission's green and white papers on climate change adaptation, the EU Biodiversity Strategy and the implementation of EU legislation, such as the Water Framework Directive [2000/60/EC](#).

Reference

1 Duncan, A G (2000) *The History of IMPEL*. IMPEL, Brussels.